

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

RODNEY A. BALLARD,

Plaintiff,

V.

**ATTORNEY GENERAL JON BRUNING,
individually, GOVERNOR DAVID
HEINEMAN, individually, and TROOPER
No. 371, individually,**

Defendants.

4:07CV3122

ORDER

This matter is before the court on the motion [56] of defendants Bruning, Heineman, and Trooper No. 371, in their individual capacities, to stay the progression of this case pending the district court's ruling on the pending motions for summary judgment based upon qualified immunity (Filings 53 & 54)¹.

Unless the complaint states a claim of violation of clearly established law, a defendant pleading qualified immunity is entitled to dismissal before the commencement of discovery. *See Mitchell v. Forsyth*, 472 U.S. 511 (1985). Upon review of the file, I find that the motion should be granted.

All discovery, including the requirement to meet and confer pursuant to Fed. R. Civ. P. 26(f) and initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1), is stayed until further order.

IT IS SO ORDERED.

DATED July 23, 2007.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge

¹The third defendant intends to file a motion for summary judgment based on qualified immunity on or before October 15, 2007.